

**SIXTY-FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, March 11, 2005

The Senate was called to order at 9:00 a.m. by Vice President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Doumit, McCaslin, Mulliken, Oke, Prentice, Rockefeller and Spanel.

The Sergeant at Arms Color Guard consisting of Pages Ellen Fissel and Austen Mount, presented the Colors. Pastor John Shaffer of the Stanwood United Methodist Church offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGES FROM THE STATE OFFICES**

March 10, 2005

**STATE OF WASHINGTON**

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Department of Social and Health Services, "Racial Disproportionality in the Juvenile System. This report is mandated under Chapter 415, Laws of 1993, RCW 13.05.050(3).

If you have any questions about the report, please call 360-902-0767.

Sincerely,

Dennis Braddock, Secretary

The Washington State Department of Social and Health Services, "Racial Disproportionality in the Juvenile System is on file in the Office of the Secretary of the Senate.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9036, Lee Cressman, as a member of the Board of Trustees, Bellevue Community College District No. 8, be confirmed.

Senators McAuliffe and Esser spoke in favor of passage of the motion.

**MOTIONS**

On motion of Senator Hewitt, Senators Deccio, Mulliken and Stevens were excused.

On motion of Senator Regala, Senators Brown and Spanel were excused.

**APPOINTMENT OF LEE CRESSMAN**

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 6; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Absent: Senators Doumit, Kastama, McCaslin, Oke, Parlette and Rockefeller - 6

Excused: Senators Brown, Deccio, Mulliken and Spanel - 4

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9057, Shelia L. Fox, as a member of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

**MOTION**

On motion of Senator Hewitt, Senators Oke and Parlette were excused.

**APPOINTMENT OF SHELIA L. FOX**

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Hargrove, Kastama, Poulsen and Rockefeller - 4

Excused: Senators Brown, Deccio, Mulliken, Oke and Parlette - 5

**MOTION**

On motion of Senator Hewitt, Senators Hargrove and Stevens were excused.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator Eide, Gubernatorial Appointment No. 9065, Sherry Gates, as a member of the Board of Trustees, Green River Community College District No. 10, be confirmed.

Senators Eide and Johnson spoke in favor of passage of the motion.

**APPOINTMENT OF SHERRY GATES**

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Deccio, Hargrove, Mulliken, Oke, Parlette and Stevens - 6

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Carrell, Gubernatorial Appointment No. 9071, David K. Hamry, as a member of the Board of Trustees, Pierce County Community College District No. 11, be confirmed. Senator Carrell spoke in favor of the motion.

APPOINTMENT OF DAVID K. HAMRY

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Finkbeiner - 1

Excused: Senators Deccio, Hargrove, Oke, Parlette and Stevens - 5

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9064, James Garrison, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Finkbeiner was excused.

APPOINTMENT OF JAMES GARRISON

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Deccio, Finkbeiner, Hargrove, Oke, Parlette and Stevens - 6

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9097, Tim Knue, as a member of the Professional Educator Standards Board, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF TIM KNUE

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Finkbeiner, Oke and Parlette - 4

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5903, by Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen

Requiring the director of the office of public defense to oversee and monitor legal representation of parents in dependency and termination proceedings.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5903 was substituted for Senate Bill No. 5903 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Honeyford, Senator Carrell was excused.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Oke - 2

SUBSTITUTE SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

President Owen assumed the chair.

SECOND READING

SENATE JOINT RESOLUTION NO. 8207, by Senators Kline, Esser, Hargrove, Carrell and Johnson

Changing the membership of the commission on judicial

conduct.

The measure was read the second time.  
MOTION

On motion of Senator Kline, the rules were suspended, Senate Joint Resolution No. 8207 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8207.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8207 and the resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Stevens - 1

Excused: Senators Deccio and Oke - 2

SENATE JOINT RESOLUTION NO. 8207, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6001, by Senators Zarelli, Eide, Rockefeller, Kline and Kohl-Welles

Regarding training for school administrators and security personnel in the use of force.

#### MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6001 was substituted for Senate Bill No. 6001 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 6001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Rockefeller spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6001.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Brandland and Honeyford - 2

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5530, by Senators Kline, Esser, Weinstein, Roach, Fairley, Franklin and Kohl-Welles

Life Insurance

The measure was read the second time.

#### MOTION

Senator Kline moved that the following striking amendment by Senators Fairley, Benson, Benton, Kline and Berkey be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 48.18 RCW to read as follows:

(1) No life insurer may deny or refuse to accept an application for insurance, or refuse to insure, refuse to renew, cancel, restrict, or otherwise terminate a policy of insurance, or charge a different rate for the same coverage, based upon the applicant or insured person's past or future lawful travel destinations.

(2) This section does not prohibit any action described in subsection (1) of this section when the insurer bases the action on sound actuarial principles."

Senators Kline and Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fairley, Benson, Benton, Kline and Berkey to Senate Bill No. 5530.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "destinations;" strike the remainder of the title and insert "and adding a new section to chapter 48.18 RCW."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5530.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5530 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

ENGROSSED SENATE BILL NO. 5530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Hewitt, Senator Benton was excused.

#### SECOND READING

SENATE BILL NO. 5092, by Senator Jacobsen

Creating a beginning farmers loan program.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5092 was substituted for Senate Bill No. 5092 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5092.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5105, by Senators Swecker, Jacobsen, Kastama and Oke

Regarding certification of entities regulated by the utilities and transportation commission.

#### MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5105 was substituted for Senate Bill No. 5105 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5105.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5993, by Senators Prentice, Doumit, Zarelli, Rasmussen and Kohl-Welles

Providing additional funding for crime victims' compensation.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5993.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5169, by Senators Hargrove and Shin

Authorizing unspent biotoxin testing and monitoring funds to carry over to future biennia.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5169 was substituted for Senate Bill No. 5169 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5169.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator McAuliffe - 1

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5132, by Senators Carrell, Schmidt, Benson, Swecker, Honeyford, Delvin, Schoesler, Roach, Mulliken and Benton

Protecting public employee personal information. Revised for 1st Substitute: Protecting personal information of public employees and home care workers.

#### MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5132 was substituted for Senate Bill No. 5132 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5132.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5326, by Senators Kohl-Welles, Pridemore, Esser, Kline, Weinstein, Poulsen, Finkbeiner, McAuliffe, Keiser and Spanel

Providing home rule charter cities the ability to choose their election system.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, McCaslin and Pridemore spoke in favor of passage of the bill.

Senators Schmidt and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5326.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Brandland, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Pridemore, Rasmussen, Regala, Shin, Spanel, Swecker and Weinstein - 29

Voting nay: Senators Berkey, Delvin, Hargrove, Hewitt, Honeyford, Johnson, Parlette, Pflug, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Stevens, Thibaudeau and Zarelli - 16

Excused: Senators Brown, Carrell, Deccio and Prentice - 4

SUBSTITUTE SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5282, by Senators Kline, Hargrove, Mulliken, Fairley and Thibaudeau

Clarifying earned release provisions that apply to city and county jails.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5282 was substituted for Senate Bill No. 5282 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Brandland spoke in favor of passage of the bill.

Senators Esser and Carrell spoke against passage of the bill.

Senator Brandland again spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5282.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Delvin, Doumit,

Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Benson, Benton, Carrell, Esser, Johnson, McCaslin, Schoesler and Sheldon - 8

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Lorraine Wojahn, former Senator and Vice President Pro Tempore of the Senate who was seated at the rostrum.

#### SECOND READING

SENATE BILL NO. 5349, by Senators Kastama, McAuliffe, Weinstein, Haugen, Berkey, Rasmussen, Hargrove, Kohl-Welles, Franklin, Regala, Shin, Fraser, Jacobsen and Kline

Creating a dyslexia reading instruction pilot program.

#### MOTION

On motion of Senator Kastama, 5349-s was substituted for Senate Bill No. 5349 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kastama moved that the following amendment by Senator Franklin and others be adopted.

On page 1, delete "created." on line 18 and insert the following:

"created, and shall be known as 'The Lorraine Wojahn Dyslexia Pilot Reading Program.'"

Senators Kastama, Franklin, McAuliffe and McCaslin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin and others on page 1, line 8 to Substitute Senate Bill No. 5349.

The motion by Senator Kastama carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5349-s was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, McAuliffe and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5349.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5349 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe,

McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5349-S, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### REMARKS BY THE PRESIDENT

President Owen: "The President can fondly remember when Senator Wojahn served here there was another Senator, Ray Moore. Senator Ray Moore would often times refer to her as the Noris Goddess of somewhere I don't think I want to, well, terror is right. She was very aggressive but also very effective. It is a great privilege for me ask Senator Wojahn if she would like to address the Senate. Thank you."

#### REMARKS BY LORRAINE WOJAHN

Lorraine Wojahn: "I don't think that I've ever been more moved in my life and if I were ever moved to tears it would right now because I can finally can see the inference, a bill that I tried to get passed for thirty-two in this state legislature. I never quite made it. It was always out there, there were people out there that couldn't read and once a long time ago I saw a paper that was written what a dyslexic child saw when they tried to read this paper. You couldn't make it out, everything was distorted. From that day on I attempted to do something about it but there never seemed to be enough money in the budget to take care of that. I remembered once I got sixty thousand dollars for another ????? in Tacoma that was working with this program and I was over joyed and then they didn't know to access the money. I had to show them how to do that. I think that every child in the state of Washington who suffers from dyslexia thanks you as I thank you for your vote today and I thank you for the forty-eight voting yes and there were no no's even among this staff side over here of the other aisle. Thank you all for voting yes on the dyslexic bill and thank you for inviting with you today and good luck in your future deliberations. Thank you."

#### PERSONAL PRIVILEGE

Senator Thibaudeau: "If I could add my words to the welcome back to the Senator Wojahn whom I've worked with and learned from for a number of years. I have to say I have to admire the Lt. Governor for forbidding her to speak or vote. In the good old days he would never have done that. Just a very quick antidote. In caucus, our caucus some years ago she couldn't be there but was announce in a certain position. Some brave sole questioned it and said 'what, are you all afraid of her' and everybody said 'yes'. If you wonder why she was called the Noris Goddess of terror perhaps that will explain a little bit but it was also because she got so many bills through trauma somebody is saying. I think the trauma wasn't her, the trauma was the trauma bill. There was so many to speak about that I couldn't go into them all so welcome back and thank you so much doing what you've done for this state."

#### MOTION

At 11:16 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:00 p.m. by President Pro Tempore.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

## MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION  
8620

By Senator Jacobsen

WHEREAS, The Society for American Baseball Research (SABR), founded in 1971 by L. Roberts Davids in Cooperstown, N.Y., with its ongoing mission to advance both knowledge and research on America's favorite game, has been integral in furthering the longevity of the sport of baseball; and

WHEREAS, Stretching across four regions of the United States, east to west, midwest to south, 45 SABR chapters decorate the landscape along with three international chapters abroad in Tokyo, Toronto, and London; and

WHEREAS, Among its annual awards, the society presents four in honor of specific research accomplishments, two discretionary awards, and the SABR's oldest honor, the SABR Salute; and

WHEREAS, As evidenced by the diversity of its research committees, society members have a wide variety of interests; and

WHEREAS, Through the promotion and encouragement of the study of baseball, both past and present, as a significant athletic and social institution, as well as supporting further research and literary efforts establishing an accurate historical record of baseball, the SABR continues to carry out its mission; and

WHEREAS, Each summer since the original meeting in Cooperstown in August of 1971, the society has staged its annual convention, educating and entertaining attendees with exciting research presentations and dynamic guests; and

WHEREAS, The SABR chapter of Seattle will host the annual convention in the summer of 2006;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Society for American Baseball Research for its outstanding service in documenting one of America's most treasured pastimes with both integrity and substantiation; and

BE IT FURTHER RESOLVED, That all members, past and present, are henceforth held in the highest regard for their contribution to the collection and circulation of baseball history throughout the world; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the President of the Northwest chapter of the Society for American Baseball Research.

Senators Jacobsen and Esser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

## MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

## MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9103, Ruthann Kurose, as a member of the Board of Trustees, Bellevue Community College District No. 8, be confirmed.

Senator Prentice spoke in favor of the motion.

## APPOINTMENT OF RUTHANN KUROSE

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brown, Keiser, Kline and Mulliken - 4

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9123, Chris Marr, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Prentice spoke in favor of the motion.

## MOTION

On motion of Senator Mulliken, Gubernatorial Appointment No. 9123 was deferred.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Pridemore, Gubernatorial Appointment No. 9158, Kim Perry, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senators Pridemore and Benton spoke in favor of passage of the motion.

## MOTION

On motion of Senator Schoesler, Senators Finkbeiner, Roach, Hewitt and Honeyford were excused.

## APPOINTMENT OF KIM PEERY

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Roach - 1

Excused: Senators Finkbeiner, Hewitt and Honeyford - 3

## MOTION

On motion of Senator Mulliken, Senators Esser and McCaslin were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Berkey, Gubernatorial Appointment No. 9200, Nancy Truitt Pierce, as a member of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senator Berkey spoke in favor of the motion.

## APPOINTMENT OF NANCY TRUITT PIERCE

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Roach - 1

Excused: Senators Esser, Finkbeiner, Hewitt, Honeyford and McCaslin - 5

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5186, by Senators Franklin, Kohl-Welles, Keiser, Rockefeller, Doumit, Kline, Regala, McAuliffe, Poulsen, Fraser and Jacobsen

Increasing the physical activity of the citizens of Washington state.

## MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5186 was substituted for Senate Bill No. 5186 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 1, Section 1, line 9 after "biking," insert "horseback riding."

Senators Roach and Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 9 to Substitute Senate Bill No. 5186.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

## MOTION

Senator Benson moved that the following amendment by Senator Mulliken be adopted.

On page 12, after line 10, strike all of section 6.

On page 1, on line 2 of the title, after "36.81.121," strike "43.17.250,"

Senators Benson, Zarelli, Swecker and Mulliken spoke in favor of adoption of the amendment.

Senators Brown, Keiser and Franklin spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Benson on page 12, line 10 to Engrossed Substitute Senate Bill No. 5186.

## MOTION

Senator Esser demanded a division.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The motion by Senator Benson carried and the amendment was adopted on a rising voice vote.

## MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 13, line 22 delete "...to walking and biking." and insert "...To walking, biking and horseback riding."

Senator Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 13, line 22 to Engrossed Substitute Senate Bill No. 5186.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

## MOTION

Senator Brown moved that the following amendment by Senator Brown be adopted.

On page 18, after line 21, insert the following:

"**NEW SECTION. Sec. 10.** (1) The health care authority, in coordination with the department of personnel, the department of health, health plans participating in public employees' benefit board programs, and the University of Washington's center for health promotion, may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.

(2) The health care authority shall report to the governor and the legislature by December 1, 2006 on progress in implementing, and evaluating the results of, the worksite health promotion program."

Senators Brown and Swecker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 18, after line 21 to Engrossed Substitute Senate Bill No. 5186.

The motion by Senator Brown carried and the amendment was adopted by voice vote.

## POINT OF INQUIRY

Senator Parlette: "Would the good Senator from the 3<sup>rd</sup> District yield to a question? Senator Brown, could you explain

this was over three million cost before, could you explain how we no longer have that fiscal note so we can understand please.”

Senator Brown: “The shall was changed to a may and there being directed to do within budget.”

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin, Benson, and Johnson spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Johnson: “Would Senator Franklin yield to a question? This is in the interest Senator clarifying any misunderstanding. Senator Franklin, I’d like to ask you a two part question. Not withstanding the shalls, quote and unquote and must quote and unquote language in the bill. Is your intent that this bill providing encouragement and direction to allow state agencies to promote efforts to increase access to and more opportunities for physical activities such as walking, biking running hiking and all communities around the state. The second part of that question is further more is it your intent that nothing in this bill should be contrude mandating changes and policy in planning with regard to land use or transportation plans but rather encourage more cooperation among agencies state and local governments in planning their communities.”

Senator Franklin: “With sanctions six back and Senator this bill is intended to give clear direction and encouragement to state agencies and to counties, cities, and towns in their land use and transportation planning effor5ts to consider supporting healthy environments and make is easier for all Washington residents to be physically active.

Futhermore, this bill is not intened to mandate changes by state agencies or local government to their land use elements or transportation elements in any plans, but encourgange thereby benefitting those who engage themselves in active living and supporting healthy communities and section with section six being back in that will take care of all of this in the colloque.”

Senator Johnson: “Well, section six is out by amendment so I might conclude then that your answer does not apply to the bill as amended.

Senator Franklin: “The colloque that we just have had it was written prior to section six being taken out. So therefore it covered the entire bill so that is why I said what I said.”

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5186.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Mulliken: “Well, I;m just going to let you know that with Senator Benson, I worked with Senator Benson in that other place we don’t talk about over here and I can tell you he’s always been pretty good at a baptism by fire and I think he just did that. Anyway, some other things about Senator Benson that I think are really important for all of us to be aware of is that he’s quite an athlete and a sports fan. It is little known that,it’s been known that he played a little bit of basketball and rumor has it he likes to hang out at the Davenport Hotel in downtown Spokane and sign autographs as John Stockton. Ok, well you might not know that Senator Benson was also on the swim team in High School and he thought about trying out for the Olympics but Senator please keep the old speados swim suite at home. We’ll just take your word for it that you’re a good swimmer. But he is still active in the local sports community in Spokane so to practice keeping calm and collective when dealing with Lobbyist on either side of any issue he serves as a court marshal for Spokane’s hoopvest tournament and that work keeps him in mid session, mediating shape. But a little known fact about Senator Benson is that he is also known as the killer bee, you know Benson bee, I don’t think he’s heard that one today, until today. One of the fun things about Brad and Jill is that they owned an ice cream parlor before,well even as early years in the legislature and so the next time that he wants to put an amendment on your bill tell him you’d like to have two scoops. Maybe that’s what we should have just had. Anyway, one of the other background items about Senator Benson is he is a banker. He’s a great background banker, we all respect his knowledge in banking. Rumor has is that he also works payday lenders in the Interim so if you a little advance on your peridium check you might stop by his desk. Well, as one of Senator Benson’s guest we understand he’s going to use his fantastic connection at the Spokesman review to arrange for a great personal profile on every member in the Senate. Thank you. Senator Benson is a former suffer dude from Southern California so Senator McCaslin he thinks one of your bills is narley don’t be alarmed and Senator Roach if he yells cowabunga when you walk by don’t think he’s trying to impose a critical area or dunce on you. Senator Benson is a member of the National Guard, we hear he sits in the back of the B-52’s but we don’t have any idea what he does. Some of us think he chose the rear because all the guys in the front are made to jump out first. That wasn’t real funny. Ok, we are very pleased that Senator Benson began his run for the Senate and that he signed on to Senator Esser’s patented and doctor Akins approved extream house member make-over plan although you are looking a little more normal these days than last summer. But I would like to welcome Senator Benson to the House, or Senate and he’s doing a great job, I’m very excited that he’s joined us over here. He’s a wonderful member for our caucus and for the Washington State Senate. Welcome.”

#### PERSONAL PRIVILEGE

Senator Esser: “I want to thank Senator Mulliken for bringing to our attention that the Senator from the 6<sup>th</sup> District just spoke. I hadn’t heard much from that section of the floor and after two months into the session its nice to know that you’ll be doing a little bit of work with us before Sine Die Senator. I do believe he’s a wonderful and welcome addition to the Senate. He’s a real sentimentalist, a real romantic and I think of an incident last week

I can't help but get a little bit misty eyed. Mr. President, if I may avail myself of a tissue. Thank you. I'm reminded of last week on the night of his 21<sup>st</sup> anniversary the Senator brought his lovely and wonderful wife as a present to join us on poker night and I just think that was a wonderful gesture on his part. I am concerned however, one of the items you'll notice in your package, little piece of paper that says 'I owe you, compliments of Senator Brad Benson'. Now this was suppose from Spokane, I've been looking forward to receiving Spoke candy all session long. This to me Mr. President, this looks like securization. I think that my candy has been securitized and well that might be acceptable on the other side of the aisle. That I consider to be totally unacceptable and I hope that is not the case. In all joking aside it's great to have my old friend from the House joining us. He is a great American, he's provided great service to our country in the Air National Guard, he does serve as Senator Mulliken mentioned on B-52's which I think is a terrifying prospect for the enemies of the United States but not quite of frightful a prospect as those who have heard him sing "Love Shack" by the B-52's on Kareoke night on Thursday's. So none the less welcome Senator, it great to have you here."

#### PERSONAL PRIVILEGE

Senator Benson: "Well, in my own defense, first of all I have to say that while it is true that on our 21<sup>st</sup> anniversary I did take my wife to play Texas holdum with some other Senators. I also took her to Keroke afterwards, so it wasn't just poker. So, anyway but I do want to say I've got a little gift for you that's on your desk. I'm sorry it's not more, I do apologize for the IOU. I have to say that sometimes I really looke to the leadership to the Democratic caucus because if it wasn't for Senator Kastama telling me that I was suppose to have a gift the first time I spoke I probably would of spoken three weeks ago. So I called back to my friend Spoke candy and we're having there a little bigger than that but there basically a molded chocolate bar so I ordered them and I've been calling them like every few days, 'it is ready yet, is it ready yet' so as soon as it's ready I'll be bring it to you so at least you can look at this, probably don't taste it, it won't taste that good. Hopefully something soon will taste good. Now, I have to say a couple of things about Spokane. First of all, I have to say that I am not a native Spokanite. My former Senator Jim West used to make comments to me and some of you will appreciate this. He used to say to me 'you know Brad, you've come a long way for someone whose not from Spokane.' I used to say 'you'd go a lot farther if you'd follow my lead.' Those of you who know former Senator West, now Mayor West can understand just how much he appreciated a comment like that. Anyway, having not been from Spokane but moved there. I'm reminded of a time when I was a little kid back in Kansas visiting relatives and we were at a family visiting them and I asked them 'how am I related to you.' They said 'your not related', we're better than relatives, we're friends. So, I'm kind of like, I'm better than a native, I'm someone who chose to come to Spokane. Now, another little tid bit, I don't know how many people in here know this. Spokane is a native American word and it means, it's the name of the tribe, the Spokane tribe, it means 'children of the sun' and just for people who didn't know that, Spokane is exactly opposite of Seattle. We have a two hundred sixty five days of sun and one hundred days of incelenet weather and Seattle has one hundred days of sun and two hundred sixty five in inclement weather so when you got some tourist dollars to spend and you need a sunny place to get away to, Spokane is the place. Couple of other things, I've got to talk about the basketball. In Spokane basketball is a huge, huge sport and it's true that I played a little bit of basketball when I was younger. It's also true that I stink so but I have friends that are good basketball players. In fact a lot of my friends went and

played college basketball and weren't at all surprised that I never got any offers. Anyway, basketball stands for a few things and first of all we got to talk about the best basketball team in Washington, bar none, even though there's a couple other ok teams. Gonzaga University who I expect will very shortly be named number three in one of the regionals and will do a whole lot better. So that's a big part of basketball. We've also got to talk about the High School B tournament. For people here from a small town the B tournament is the crown jewel of Spokane. It's an opportunity for us to host people from small communities all over the state and if you ever get a chance whether your from a big city or a little town to come over to Spokane and experience the B tournament. It is just a great, great thing. Many times I'll go up to Tacoma and watch the A play-offs and that's a lot of fun and it's great basketball. The B tournament is like the whole town shows up and it is event for people to come to the B tournament. So if you ever just want to experience that small town America in kind of all one big thing the B tournament is a great place to be there. Also it was mentioned earlier that I'm a hoop fest. I have a great job with hoop fest. I used to be the coordinator of all of the courts. Like five hundred different courts and it was a really hard job and I pulled my hair every weekend and one time they asked me if I wanted to be the qualifications marshall. What do you thing there qualifications marshall is, well, it's a really nice way of saying, I'm the guy who goes and kicks people out of the tournament. So, and I got to tell you its not as bad as it would sound. Most of the time by the time that I get there people know there out of the tournament, so there not surprised to see me. I also brought you a pen that says Spokane, near nature, near perfect. I think that's what it says. Yeah, it does say that and I have to give you an example of how that's true. I live inside the city limits in Spokane, in northwest part of town. Less than five minutes from my home, by car, it's about a fifteen minute bike ride theres the little Spokane river with a trail that goes down it. The trail has painted hundreds of year old Indian paintings on the rocks and as you go down that trail, I have seen a moose, I've seen turkey, I've seen great blue herring, I've seen bald eagles and I've seen foxes and it is a tremendous, tremendous place. One last thing, also I'm in the guard, this thing says support our troops, I hope you wear or put it on your car for the next couple of months. Thank you very much."

#### PERSONAL PRIVILEGE

Senator McCaslin: "I move that the body adopt the three minute rule on responses to first speeches."

#### PERSONAL PRIVILEGE

Senator Brandland: "I have been dreading this day since the first day that I joined Brad in Financial Institutions because regardless of the bill Brad is always talking and always asking questions and folks, the dam has broken. This is the beginning of a very dreadful experience. So please brace yourselves for the rest of this session"

#### PERSONAL PRIVILEGE

Senator Honeyford: "I move that we access tribute from all speakers before they speak before the Senate."

#### SECOND READING

SENATE BILL NO. 5381, by Senators Kohl-Welles, Parlette, McAuliffe, Pridemore, Rockefeller, Brown, Rasmussen, Schoesler, Shin, Haugen, Schmidt, Keiser and Kline

Authorizing an independent, nonprofit Washington academy of sciences.

The measure was read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Kohl-Welles and Parlette be adopted.

On page 2, line 3 after "governor" insert "or the legislature".

On page 2, line 22 after "governor" insert "or the legislature".

On page 2, line 22 after "governor" insert "(3)(a). The organizational structure shall include a process by which the Academy responds to inquiries from the governor or the legislature, including but not limited to the identification of research projects, past or present, at Washington or other research institutions and the findings of such research projects".

On page 3, line 5 after "governor" strike "or" and insert ",".

On page 3, line 6 after "designee" insert ", or the legislature".

Renumber the sections consecutively and correct any internal references accordingly.

Senator Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Kohl-Welles and Parlette on page 2, line 3 to Senate Bill No. 5381.

The motion by Senator Fraser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5381.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Brown - 1

ENGROSSED SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5110, by Senators Rockefeller and Oke

Including four public port districts on the executive board of regional transportation planning organizations.

The measure was read the second time.

MOTION

On motion of Senator Eide, Senate Bill No. 5510 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5638, by Senators McAuliffe, Rasmussen and Poulsen

Changing student assessment provisions.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5638 was substituted for Senate Bill No. 5638 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

Senator Johnson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5638 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 39

Voting nay: Senators Esser, Hewitt, Honeyford, Johnson, McCaslin, Morton, Parlette, Roach, Stevens and Zarelli - 10

SECOND SUBSTITUTE SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On March 11, 2005, I inadvertently voted no on Second Substitute Senate Bill No. 5638. I'd like to record my intent to vote yes on the measure.

SENATOR LINDA EVANS PARLETTE, 12<sup>th</sup> Legislative District

The Senate resumed consideration of Senate Bill No. 5110.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 1, line 10, after "of" strike "one million" and insert "~~one million~~ three hundred thousand"

On page 1, line 11, after "board" insert ", or equivalent board."

Senators Benton and Rockefeller spoke in favor of adoption of

the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 10 to Engrossed Senate Bill No. 5110.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Senate Bill No. 5110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Mulliken, Senators Finkbeiner, Hewitt, Honeyford and Roach were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5110.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Honeyford and Pridemore - 2

ENGROSSED SENATE BILL NO. 5110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5581, by Senators Brown, Finkbeiner, Kohl-Welles, Rasmussen, Prentice, Hewitt, Fairley, Esser, Doumit, Keiser, Haugen, McAuliffe and Shin

Establishing the life sciences discovery fund.

#### MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5581 was substituted for Senate Bill No. 5581 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, line 21, after "(3)" insert "'Clone a human being" or "cloning a human being" means the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male.

(4) "Cloned human being" means an individual created by

human cloning.

(5)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 2, line 33, after "(6)" insert "'Public employee" means any person employed by the state of Washington or any agency or political subdivision thereof.

(7) "Public facilities" means any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Washington or any agency or political subdivision thereof.

(8) "Public funds" means any funds received or controlled by the state of Washington or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state, or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

(9)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 3, after line 5, insert the following:

**"NEW SECTION. Sec. 3. HUMAN CLONING.** (1) No person shall knowingly clone a human being, participate in cloning a human being, or attempt to clone a human being.

(2) No person shall knowingly use public funds to clone a human being or to attempt to clone a human being.

(3) No person shall knowingly use public facilities to clone a human being or to attempt to clone a human being.

(4) No public employee shall knowingly allow any person to clone a human being or to attempt to clone a human being while the person is making use of public funds or public facilities.

(5) Any person who violates any of the provisions of subsections (1) through (4) of this section is guilty of a class B felony."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senators Honeyford and Zarelli spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 21 to Second Substitute Senate Bill No. 5581.

#### MOTION

Senator Esser demanded a division.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The motion by Senator Honeyford carried and the amendment was adopted on a rising voice vote.

#### MOTION

Senator Brown moved that the following amendment by Senator Brown be adopted.

On page 3, line 12, after "consisting of" insert "the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations and"

On page 5, line 2, strike "and (f)" and insert "(f) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and (g)"

On page 5, line 3, after "collaboration" strike all material down to and including "authority" on line 12.

Senator Brown spoke in favor of adoption of the amendment.  
Senator Esser spoke against adoption of the amendment.  
A division was demanded.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 3, line 12 to Second Substitute Senate Bill No. 5581.

The motion by Senator Brown carried and the amendment was adopted on a rising voice vote.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 4, line 32, after "state." insert "Grants may also be made for capital purposes."

Senator Esser spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

Senator Esser demanded a division.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 4, line 32 to Engrossed Second Substitute Senate Bill No. 5581.

The motion by Senator Esser failed and the amendment was not adopted on a rising voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 6 of the title, after "sections;" insert "prescribing penalties;"

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown, Kohl-Welles, Zarelli and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5581.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Morton, Mulliken and Swecker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5803, by Senators McAuliffe, Weinstein, Berkey, Shin, Kohl-Welles, Franklin, Schmidt, Thibaudeau, Eide, Kline, Keiser, Regala, Jacobsen and Rasmussen

Promoting internet safety.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5803.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5803 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5850, by Senators Spanel, Keiser, Kohl-Welles and Shin

Clarifying the definition of "sick leave" for family leave.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5850.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5850 and the bill passed the Senate by the

following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### MOTION

On motion of Senator Mulliken, Senator Parlette was excused.

#### SECOND READING

SENATE BILL NO. 5862, by Senators Pflug, Eide, Shin and Rasmussen; by request of Lieutenant Governor

Creating the association of Washington generals.

#### MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5862 was substituted for Senate Bill No. 5862 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Eide and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5862.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5862 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1079,  
 SUBSTITUTE HOUSE BILL NO. 1091,  
 HOUSE BILL NO. 1108,  
 SUBSTITUTE HOUSE BILL NO. 1117,  
 HOUSE BILL NO. 1120,  
 HOUSE BILL NO. 1136,  
 SUBSTITUTE HOUSE BILL NO. 1181,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1188,  
 HOUSE BILL NO. 1248,  
 HOUSE BILL NO. 1260,  
 SUBSTITUTE HOUSE BILL NO. 1299,  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,  
 ENGROSSED HOUSE BILL NO. 1187,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314,  
 HOUSE BILL NO. 1319,  
 HOUSE BILL NO. 1329,  
 SUBSTITUTE HOUSE BILL NO. 1343,  
 HOUSE BILL NO. 1373,  
 SUBSTITUTE HOUSE BILL NO. 1381,  
 HOUSE BILL NO. 1385,  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1415,  
 HOUSE BILL NO. 1457,  
 SUBSTITUTE HOUSE BILL NO. 1461,  
 SUBSTITUTE HOUSE BILL NO. 1509,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1565,  
 SUBSTITUTE HOUSE BILL NO. 1681,  
 SUBSTITUTE HOUSE BILL NO. 1719,  
 HOUSE BILL NO. 1763,  
 HOUSE BILL NO. 1771,  
 ENGROSSED HOUSE BILL NO. 1814,  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
 SECOND SUBSTITUTE HOUSE BILL NO. 1483,  
 SUBSTITUTE HOUSE BILL NO. 1657,  
 SUBSTITUTE HOUSE BILL NO. 1732,  
 SUBSTITUTE HOUSE BILL NO. 1756,  
 SUBSTITUTE HOUSE BILL NO. 1891,  
 HOUSE BILL NO. 1915,  
 HOUSE BILL NO. 1916,  
 HOUSE BILL NO. 1947,  
 SUBSTITUTE HOUSE BILL NO. 1969,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1970,  
 HOUSE BILL NO. 1974,

SUBSTITUTE HOUSE BILL NO. 1987,  
HOUSE BILL NO. 2096,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO.  
4404,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
SUBSTITUTE HOUSE BILL NO. 1823,  
HOUSE BILL NO. 1838,  
SUBSTITUTE HOUSE BILL NO. 1841,  
SUBSTITUTE HOUSE BILL NO. 1856,  
SUBSTITUTE HOUSE BILL NO. 1895,  
SUBSTITUTE HOUSE BILL NO. 1921,  
SUBSTITUTE HOUSE BILL NO. 1938,  
HOUSE BILL NO. 1939,  
HOUSE BILL NO. 1966,  
HOUSE BILL NO. 1999,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
SECOND SUBSTITUTE HOUSE BILL NO. 2030,  
HOUSE BILL NO. 2058,  
SUBSTITUTE HOUSE BILL NO. 2124,  
SUBSTITUTE HOUSE BILL NO. 2156,  
HOUSE BILL NO. 2206,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,  
HOUSE BILL NO. 2188  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5279, by Senator Jacobsen

Modifying provisions with regard to recreational activities on certain lands.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5279 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5279.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5279 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Morton - 1

SENATE BILL NO. 5279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5101, by Senators Poulsen, Morton, Fraser, Rockefeller, Pridemore, Regala, Hewitt, Kline, Kohl-Welles, Brown and Oke

Providing incentives to support renewable energy.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5101 was substituted for Senate Bill No. 5101 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

Senator Delvin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5101.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Roach: "Well, Mr. President, members of the Senate. It isn't very often that a family is blessed with a new baby, a new arrival and I resisted the temptation to mention to you earlier in the week when Representative Dan Roach's wife Melanie gave birth to little Cameil. And Cameil is you see the video on this later in life please forgive me. That was really fun and we enjoyed it. But three days later this morning actually this afternoon our son John Roach, is a student Seattle U's in law school and his wife, his daughter-in-law, Clair is a student of University of Washington getting masters in Dietetics had their first child another little girl who've they named. I want you to know that they, this family of very articulates, intelligence creative people could not come up with a name, they couldn't come up a name. Amelia however is the name they finally arrived upon and give to my newest granddaughter and about Amelia I've got to tell you of the five children that Jim and I have and the spouses this is the, this is our seventh grandchild but only one that is a pure Washingtonian if you consider that both parents were both born and raised in Washington State. Went to Washington schools and so I would have you share in our joy and our family with the birth of Amelia today. Thank you."

## PARLIAMENTARY INQUIRY

Senator Honeyford: "Would it be possible to have these words spread upon the Journal as I've never seen her speechless before in my life."

## SECOND READING

SENATE BILL NO. 5111, by Senators Morton, Poulsen, Parlette, Roach, Schmidt, Oke, Hewitt, Zarelli, Finkbeiner, Stevens, Swecker, Deccio, Honeyford, Mulliken, Kline and Sheldon

## MOTION

On motion of Senator Poulsen, Second Substitute Senate Bill No. 5111 was substituted for Senate Bill No. 5111 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.  
On page 9, beginning on line 24, strike all of subsection (3)  
Senator Morton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 9, line 24 to Second Substitute Senate Bill No. 5111.

The motion by Senator Morton carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be

the final passage of Engrossed Second Substitute Senate Bill No. 5111.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5111 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Oke - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

## MOTIONS

On motion of Senator Hewitt, Senator Oke was excused.

On motion of Senator Weinstein, Senator Fairley was excused.

## SECOND READING

SENATE BILL NO. 5207, by Senators Doumit, Hargrove and Sheldon

Limiting liability of ports providing pilots.

## MOTIONS

On motion of Senator Doumit, Substitute Senate Bill No. 5207 was substituted for Senate Bill No. 5207 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Doumit, the rules were suspended, Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5207.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Fairley and Oke - 2

SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was order to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5098, by Senators Poulsen, Morton, Franklin, Kline and Kohl-Welles

#### MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5098 was substituted for Senate Bill No. 5098 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 12, line 9 after "United States." insert "For recommendations concerning commercial clothes washers, the department must also consider the fiscal effects on the low-income, elderly, and student populations."

Senator Morton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 12, line 9 to Substitute Senate Bill No. 5098.

The motion by Senator Morton carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5098.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Fairley and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Kline: "Mr. President, I would like you and fellow members to know that over in the democratic caucus since we're getting on to late evenings the effeat liberal espresso machine has been set up and we have free espresso for all members and all

staff. Fill free to come on over. I can assure you that it's a brue that will keep us going. I'm told that were going to go to 9:00 tonight. The Senator from the 48<sup>th</sup> apparently thinks this is some kind of beer I'm talking about. I don't know why. I want to invite my colleagues from across the aisle particularly because as you know a few sips of this and your voting records are going to be very, very, very different. So I'm sure we can solve all the problems in the state, all you need to do is drink some. Thank you."

#### PERSONAL PRIVILEGE

Senator Deccio: "After five of those then you're going to think your in the Italian parliament."

#### MOTION

At 4:50 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:23 p.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9209, Fredrick Whang, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senator Regala spoke in favor of the motion.

#### APPOINTMENT OF FREDRICK WHANG

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9108, Karen Lane, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

#### APPOINTMENT OF KAREN LANE

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

## SECOND READING

### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9212, Elizabeth A. Willis, as a member of the Board of Trustees, Pierce Community College District No. 11, be confirmed.

Senator Rasmussen spoke in favor of the motion.

#### APPOINTMENT OF ELIZABETH A. WILLIS

The Secretary called the roll. The appointee was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Oke - 1

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5509, by Senators Poulsen, Esser, Fraser, Schmidt, Pridemore, Fairley, Berkey, Kohl-Welles, Kline, Regala, Rockefeller, Weinstein, Brown, Keiser and McAuliffe

Requiring public buildings to be built using high-performance green building standards.

#### MOTION

Senator Poulsen moved that second substitute bill not bill adopted.

#### MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Poulsen moved that the following striking amendment by Senator Poulsen be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that public buildings can be built and renovated using high-

performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings and allowing flexible methods and choices in how to achieve those standards. The legislature also intends that public agencies and public school districts shall document costs and savings to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of general administration.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol to be not practicable; or (ii) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the state board of education and the office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

**NEW SECTION. Sec. 3.** (1) All major facility projects of public agencies receiving any funding in a state capital budget, or projects financed through a financing contract as defined in RCW 39.94.020, must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major

facility projects that have not entered the design phase prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

(2) All major facility projects of any entity other than a public agency or public school district receiving any funding in a state capital budget must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the grant application process prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

(3)(a) Public agencies, under this section, shall monitor and document ongoing operating savings resulting from major facility projects designed, constructed, and certified as required under this section.

(b) Public agencies, under this section, shall report annually to the department on major facility projects and operating savings.

(4) The department shall consolidate the reports required in subsection (3) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the department shall also report on the implementation of this chapter, including reasons why the LEED standard was not used as required by section 2 (5)(b) of this act. The department shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

**NEW SECTION. Sec. 4.** (1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by section 2(5)(b) of this act. The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The state board of education, in consultation with the superintendent of public instruction, shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, the state board of education, the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction and the state board of education implement this chapter.

**NEW SECTION. Sec. 5.** On or before January 1, 2009, the department and the superintendent of public instruction shall summarize the reports submitted under sections 3(4) and 4(3) of this act and submit the individual reports to the legislative committees on capital budget and ways and means for review of the program's performance and consideration of any changes that may be needed to adapt the program to any new or modified standards for high-performance buildings that meet the intent of this chapter.

**NEW SECTION. Sec. 6.** (1)(a) The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

(b) The department and the office of the superintendent of public instruction shall amend their fee schedules for architectural and engineering services to accommodate the requirements in the design of major facility projects under this chapter.

(c) The department and the office of the superintendent of public instruction shall procure architecture and engineering services consistent with chapter 39.80 RCW.

(d) Major facility projects designed to meet standards identified in this chapter must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

(e) As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this chapter for prospective respondents.

(2) The department shall create a high-performance buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, the state board of education, the office of the superintendent of public instruction, and others at the department's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement this chapter.

(3) The department and the state board of education shall adopt rules to implement this section.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) In adopting implementation rules, the state board of education, in consultation with the superintendent of public instruction and the department of general administration, shall review and modify the current requirement for an energy conservation report review by the department of general administration as provided in WAC 180-27-075.

(2) In adopting implementation rules, the state board of education, in consultation with the superintendent of public

instruction shall:

(a) Review and modify the current requirements for value engineering, constructability review, and building commissioning as provided in WAC 180-27-080;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in section 4 of this act;

(c) Coordinate with the department of general administration, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education must comply with high-performance public building requirements under sections 1 through 3 and 6 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.150 RCW to read as follows:

Public school districts must comply with high-performance public building requirements under sections 1, 2, 4, 6, and 7 of this act.

**NEW SECTION. Sec. 10.** A member of the design or construction teams may not be held liable for the failure of a major facility project to meet the LEED silver standard or other LEED standard established for the project as long as a good faith attempt was made to achieve the LEED standard set for the project.

**NEW SECTION. Sec. 11.** A new section is added to chapter 39.04 RCW to read as follows:

For purposes of determining compliance with chapter 39.--RCW (sections 1 through 6, 10, and 12 through 14 of this act), the department of general administration shall credit the project for using wood products with a credible third party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act.

**NEW SECTION. Sec. 12.** Except as provided in this section, affordable housing projects funded out of the state capital budget are exempt from the provisions of this chapter. On or before July 1, 2008, the department of community, trade, and economic development shall identify, implement, and apply a sustainable building program for affordable housing projects that receive housing trust fund (under chapter 43.185 RCW) funding in a state capital budget. The department of community, trade, and economic development shall not develop its own sustainable building standard, but shall work with stakeholders to adopt an existing sustainable building standard or criteria appropriate for affordable housing. Any application of the program to affordable housing, including any monitoring to track the performance of either sustainable features or energy standards or both, is the responsibility of the department of community, trade, and economic development. Beginning in 2009 and ending in 2016, the department of community, trade, and economic development shall report to the department as required under section 3(3)(b) of this act.

**NEW SECTION. Sec. 13.** It is the intent and an established goal of the LEED program as authored by the United States green building council to increase demand for building materials and products that are extracted and manufactured locally, thereby reducing the environmental impacts and to support the local economy. Therefore, it is the intent of the legislature to emphasize this defined goal and establish a priority to use Washington state based resources, building materials, products, industries, manufacturers, and other businesses to provide

economic development to Washington state and to meet the objectives of this chapter.

**NEW SECTION. Sec. 14.** The joint legislative audit and review committee, or its successor legislative agency, shall conduct a performance review of the high-performance buildings program established under this chapter.

(1) The performance audit shall include, but not be limited to:

(a) The identification of the costs of implementation of high-performance building standards in the design and construction of major facility projects subject to this chapter;

(b) The identification of operating savings attributable to the implementation of high-performance building standards, including but not limited to savings in energy, utility, and maintenance costs;

(c) The identification of any impacts of high-performance buildings standards on worker productivity and student performance; and

(d) An evaluation of the effectiveness of the high-performance building standards established under this chapter, and recommendations for any changes in those standards that may be supported by the committee's findings.

(2) The committee shall make a preliminary report of its findings and recommendations on or before December 1, 2010, and a final report on or before July 1, 2011.

**NEW SECTION. Sec. 15.** Sections 1 through 6, 10, and 12 through 14 of this act constitute a new chapter in Title 39 RCW."

XXOn page 1, line 1 of the title, after "buildings;" strike the remainder of the title and insert "adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; and adding a new chapter to Title 39 RCW."

Senator Poulsen spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Doumit moved that the following amendment by Senators Doumit and Schoesler be adopted.

On page 4, after line 35 of the amendment, insert the following:

"(6)(a) The superintendent of public instruction shall assist Washington school districts, architects, and designers in the planning and design of high quality school facilities that enhance education and provide lasting value to the children and citizens of Washington.

(b) The superintendent of public instruction shall encourage the use of prototypical school design or design components in limited circumstances and when several school construction projects are planned in a district or in a limited geographic area of the state. Such limited use of prototypical designs shall encourage student performance, staff retention, cost management, reduction of environmental health risks, and high performance school buildings.

(c) The superintendent of public instruction shall establish a central clearinghouse for access by local boards of education that may want to use a prototype design or components of a design in the construction of school facilities. This system is expected to result in cost and time savings in school design, provide broader access to architects that specialize in school design, and increase awareness of current trends in school design."

Senators Doumit, Schoesler, Benton and Morton spoke in favor of adoption of the amendment to the striking amendment.

Senators Regala, Pflug, Pridemore and Esser spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a division.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Doumit on page 4, after line 35 to Substitute Senate Bill No. 5509.

The motion by Senator Doumit failed and the amendment was not adopted on a rising voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, line 14 of the amendment, after "section." insert "If, after five years of operating a major facility project covered by this section, the savings from lower operating costs do not equal or exceed the initial cost premium of designing and constructing the facility, the department shall pay the public agency the differences between the two sums. The payment shall be paid from existing appropriations."

On page 4, line 8 of the amendment, after districts." insert "If, after five years of operating a major facility project covered by this section, the savings from lower operating costs do not equal or exceed the initial cost premium of designing and constructing the facility, the superintendent of public instruction shall pay the school district the difference between the two sums. The payment shall be paid from existing appropriations."

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Poulsen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Honeyford on page 3, line 14 to Substitute Senate Bill No. 5509.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Poulsen to Substitute Senate Bill No. 5509.

#### POINT OF INQUIRY

Senator Benton: "In the original bill hospitals, research laboratories and affordable housing were exempt. What happens in those categories in this proposal?"

Senator Poulsen: "Senator Morton, I believe that those exemptions are preserved as our research facilities. Higher Education research facilities."

#### POINT OF INQUIRY

Senator Morton: "I have the research labs and hospitals and affordable housing. And that leave the question, if the original bill was not satisfactory for those institutions how about this bill. Is it or not?"

Senator Poulsen: "Correct."

#### POINT OF INQUIRY

Senator Honeyford: "Section 11 contains renewable standards and I would like to know if you have or will go to the Governor to make sure that that section is not vetoed."

Senator Poulsen: "I'm committed to this section of the bill as I am the remainder of the bill and you have my word that I have already consulted with the Governor's office to preserve that section of the bill and the others. I would use this opportunity to tell the body that a coalition an unusual coalition of stake holders including the timber industry, architects, schools, colleges and the environmental community are all embracing this bill together. None of us has any intention of undoing that section or any other section of the bill."

Senators Morton, McCaslin and Pflug spoke against the adoption of the striking amendment.

Senators Fraser spoke in favor of adoption of the striking amendment.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

#### MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen spoke in favor of passage of the bill.

Senators Schoesler, Hargrove, Honeyford and Hewitt spoke against passage of the bill.

#### POINT OF INQUIRY

Senator Hewitt: "Senator Poulsen, the bill states that the specified performance standards only applies to projects if practicable. What does practicable mean?"

Senator Poulsen: "Thank you Senator Hewitt. The performance standards specified in the bill only apply to a project that is appropriate standards exist for that type of project. Assuming there are appropriate performance standards in an agency in it project team must determine is the lead silver standard of the Washington sustainable school design protocol is practicable for the project. Is the lead silver standard in not practicable then the agency must determine if any other lead standard is practicable for the project. Practicable does include financial feasibility."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5509.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau

and Weinstein - 32

Voting nay: Senators Carrell, Deccio, Delvin, Doumit, Hargrove, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schoesler, Sheldon, Stevens and Zarelli - 16

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 11, 2005."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate is limited through March 11, 2005.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5219, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Schmidt, Rockefeller and Pridemore)

Changing primary dates and associated election procedures.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted.

On page 5, beginning on line 11 of the amendment, after "than the" strike all material through "May" on line 12 and insert "fourth Monday in ~~(July)~~ June"

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 5, line 11 to Engrossed Substitute Senate Bill No. 5219.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

#### MOTION

Senator Spanel moved that the following amendment by Senators Spanel and Kastama be adopted.

On page 30, after line 23, insert the following:

**"NEW SECTION, Sec. 32.** The Secretary of State shall establish a task force to investigate how to more effectively and efficiently transmit ballots to and from military and other out-of-country and out-of-state voters. The task force shall include county auditors, representatives from the military, and citizen representatives. The task force shall report its findings to the appropriate committees of the legislature no later than January 15, 2006.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Spanel and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel and Kastama on page 30, after line 23 to Engrossed Substitute Senate Bill No. 5219.

The motion by Senator Spanel carried and the amendment was adopted by voice vote.

#### MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Benton be adopted.

On page 1, on line 3 of the amendment, strike all of section 1 and insert:

**Sec. 1.** RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No. 872, approved November 2, 2004) are each amended to read as follows:

Primaries for general elections to be held in November must be held on(:

~~—(1) The third Tuesday of the preceding September; or~~

~~—(2) The seventh Tuesday immediately preceding that general election, whichever occurs first))the Tuesday immediately preceding Labor Day of the same calendar year.~~

Renumber the sections consecutively and correct any internal references accordingly.

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Kastama spoke against adoption of the amendment.

#### POINT OF ORDER

Senator Kastama: "I would ask the President to rule on whether not we can vote on this amendment again. We already did address this exact same amendment. In fact have we voted on this in the past, on this particular bill."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Kastama, your point is well taken and the amendment was not adopted, so the amendment is out of order."

#### MOTION

There being no objection, the following title amendment was adopted:

On page 31, on line 9 of the title, after "29A.24.211", insert "adding a new section"

#### MOTION

On motion of Senator Kastama, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Brown and Kohl-Welles spoke in favor of passage of the bill.

Senators Roach, Pflug and Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5219.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5219 and the bill failed to

pass the Senate by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Thibaudeau and Weinstein - 22

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Fairley, Finkbeiner, Hewitt, Honeyford, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker and Zarelli - 26

Excused: Senator Oke - 1

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5219, not having received the constitutional majority, was declared lost.

## SECOND READING

SENATE BILL NO. 5499, by Senators Kastama, Berkey, Fairley, Pridemore, Franklin, Haugen, Shin, Kohl-Welles, Doumit, Rasmussen and Keiser

Clarifying and standardizing various election procedures.

## MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5499 was substituted for Senate Bill No. 5499 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended to read as follows:  
As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued to a voter at the polling place on election day by the precinct election board, for ~~(one)~~ any of the following reasons:

(a) The voter's name does not appear in the poll book;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(d) Other circumstances as determined by the precinct election board;

(e) Any other reason allowed by law.

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.

**Sec. 2.** RCW 29A.04.530 and 2003 c 111 s 151 are each amended to read as follows:

The secretary of state shall:

(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on the various types of election law violations and discrimination, and training programs for political party observers which conform to the rules for such programs established under RCW 29A.04.630;

(2) Establish guidelines, in consultation with state and local law enforcement, for signature verification processes. All election personnel assigned to verify signatures must receive training on the guidelines;

(3) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;

~~((3))~~ (4) Maintain a record of those individuals who have received such training and certificates; and

~~((4))~~ (5) Provide the staffing and support services required by the board created under RCW 29A.04.510.

**Sec. 3.** RCW 29A.04.570 and 2003 c 111 s 155 are each amended to read as follows:

(1)(a) The election review staff of the office of the secretary of state shall conduct a review of election-related policies, procedures, and practices in an affected county or counties:

(i) If the unofficial returns of a primary or general election for a position in the state legislature indicate that a mandatory recount is likely for that position; or

(ii) If unofficial returns indicate a mandatory recount is likely in a statewide election or an election for federal office.

Reviews conducted under (ii) of this subsection shall be performed in as many selected counties as time and staffing permit. Reviews conducted as a result of mandatory recounts shall be performed between the time the unofficial returns are complete and the time the recount is to take place, if possible.

(b) In addition to conducting reviews under (a) of this subsection, the election review staff shall also conduct such a review in a county ~~((periodically))~~ at least once in each three-year period, in conjunction with a county primary or special or general election, at the direction of the secretary of state or at the request of the county auditor. If staffing or budget levels do not permit a three-year election cycle for reviews, then reviews must be done as often as possible. If any resident of this state believes that an aspect of a primary or election has been conducted inappropriately in a county, the resident may file a complaint with the secretary of state. The secretary shall consider such complaints in scheduling periodic reviews under this section.

(c) Before an election review is conducted in a county, the secretary of state shall provide the county auditor of the affected county and the chair of the state central committee of each major political party with notice that the review is to be conducted. When a periodic review is to be conducted in a county at the direction of the secretary of state under (b) of this subsection, the secretary shall provide the affected county auditor not less than thirty days' notice.

(2) Reviews shall be conducted in conformance with rules adopted under RCW 29A.04.630. In performing a review in a county under this chapter, the election review staff shall evaluate the policies and procedures established for conducting the primary or election in the county and the practices of those conducting it. As part of the review, the election review staff shall issue to the county auditor and the members of the county canvassing board a report of its findings and recommendations regarding such policies, procedures, and practices. A review conducted under this chapter shall not include any evaluation, finding, or recommendation regarding the validity of the outcome of a primary or election or the validity of any canvass of returns nor does the election review staff have any jurisdiction to make such an evaluation, finding, or recommendation under this title.

(3) The county auditor or the county canvassing board shall respond to the review report in writing, listing the steps that will be taken to correct any problems listed in the report. The secretary of state shall visit the county before the next state primary or general election to verify that the county has taken the steps they listed to correct the problems noted in the report.

(4) The county auditor of the county in which a review is conducted under this section or a member of the canvassing board of the county may appeal the findings or recommendations of the election review staff regarding the review by filing an appeal with the board created under RCW 29A.04.510.

**Sec. 4.** RCW 29A.04.611 and 2004 c 271 s 151 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots, including standards that require provisional ballots to be distinguishable from the other ballots and incapable of being tabulated by the poll-site ballot counting device;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic facsimile;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

(26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

(30) Independent evaluations of voting systems;

(31) The testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;

(34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;

(35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;

(37) The tabulation of paper ballots before the close of the polls;

(38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252); and

(53) Facilitating the payment of local government grants to local government election officers or vendors.

**Sec. 5.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

**Sec. 6.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin ~~((on or after the tenth day before the primary or election))~~ upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

**NEW SECTION. Sec. 7.** A new section is added to chapter 29A.40 RCW to read as follows:

If the canvassing board, or its designated representatives, determines that the signature on the absentee or provisional ballot return envelope does not match the signature as it appears on the voter's original registration record, the county auditor shall notify the voter no later than three days after discovery of the mismatched signature by telephone or in writing, that the ballot cannot be processed because the signature on the return envelope does not match the signature as it appears on the voter's registration card. The county auditor shall also send the voter a new voter registration form and advise the voter that, in order for the ballot to be processed, the voter must update his or her signature by either filling out a new registration form and mailing it back to the auditor's office so that it arrives not later than the day before the certification of the primary or election; or appearing in person at the auditor's office not later than the day before certification of the primary or election and filling out a new registration form.

If the voter neglects to sign the affidavit on the absentee or provisional return envelope, the auditor shall notify the voter, no later than three days after discovery of the unsigned envelope either by telephone or in writing, that the ballot will not be processed unless the voter appears in person and signs the affidavit on the return envelope not later than the day before certification of the primary or election. As an alternative to personal appearance, the auditor may provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives no later than the day before certification of the primary or election.

A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

A record must be kept of all ballots with mismatched signatures, and must include the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, or a new registration form. These records are public records under chapter 42.17 RCW once the election has been certified by the county canvassing board under RCW 29A.60.190.

**NEW SECTION. Sec. 8.** A new section is added to chapter 29A.44 RCW to read as follows:

Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer

envelope must include a place for the voter's name; registered address, both present and former if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which the voter has voted; and a space for the county auditor to list the disposition of the provisional ballot. The provisional ballot outer envelope must also contain a declaration as required for absentee ballot outer envelopes under RCW 29A.40.091; a place for the voter to sign the oath; and a summary of the applicable penalty provisions of this chapter. The voter shall vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope, then place the security envelope into the outer envelope, and return it to the precinct election official. The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, and place the envelope in a secure container. The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.

**NEW SECTION. Sec. 9.** A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at the polls at any primary or election is required to provide identification to the election officer before signing the poll book. The identification required in this section can be satisfied by providing a voter's registration card, or any current and valid government-issued photo identification, including but not limited to a driver's license, state identification card, passport, tribal identification card, or military identification card. Any individual who desires to vote in person but cannot provide identification as required in this section shall be issued a provisional ballot.

**NEW SECTION. Sec. 10.** A new section is added to chapter 29A.60 RCW to read as follows:

Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, web site, mail, or other means. A provisional ballot cannot be further investigated if the voter did not sign the provisional ballot envelope or if the signature on the envelope does not match the signature as it appears on the voter's registration card until the voter signs or updates his or her signature affidavit. The auditor must notify the voter in accordance with section 7 of this act when the envelope is unsigned or when the signatures do not match.

**NEW SECTION. Sec. 11.** A new section is added to chapter 29A.60 RCW to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, or tabulation.

**Sec. 12.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. ~~((For a partisan primary in a jurisdiction using the physically separate ballot format, a voter may write in on a party ballot only the names of write-in candidates who affiliate with that major political party.))~~ No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office~~((;))~~ or position~~((; or political party shall))~~ will be accepted if the canvassing board can determine, to ~~((their))~~ its satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an over vote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the over votes and under votes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied ~~((if))~~ unless the total number of write-in votes and under votes recorded by the vote tabulation system for the office is ~~((not))~~ greater than the number of votes cast for the candidate apparently ~~((nominated))~~ qualified to appear on the general election ballot or elected~~((; and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election)).~~

~~((~~((+))~~))~~ (5) In the case of write-in votes for a statewide office~~((s))~~ or any office whose jurisdiction~~((s that))~~ encompasses more than one county, ~~((if the total number of write-in votes and under votes recorded by the vote tabulation system for an office within a county is greater than the number of votes cast for a candidate apparently nominated or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied))~~ write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

**Sec. 13.** RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to read as follows:

Whenever the precinct election officers or the counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election.

**Sec. 14.** RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to read as follows:

The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.17 RCW.

Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately.

**Sec. 15.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to read as follows:

Each registered voter casting an absentee ballot will be credited with voting on his or her voter registration record only if the ballot was counted. Absentee ballots must be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

**Sec. 16.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to read as follows:

(1) On the tenth day after a special election or primary and on the ~~((fifteenth))~~ twentieth day after a general election, the county canvassing board shall complete the canvass and certify the results. The secretary of state may adopt rules to provide that Thanksgiving day, and the day after Thanksgiving day, are not counted in establishing the twenty-day certification deadline. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a postmark on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, must be included in the canvass report.

(2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

**Sec. 17.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to read as follows:

Whenever the canvassing board finds during the initial counting process, or during any subsequent recount thereof, that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, or that election staff has made an error regarding the treatment or disposition of a ballot, the board may recanvass the ballots or voting devices in any precincts of the county. The canvassing board shall conduct any necessary recanvass activity on or before the last day to certify or recertify the results of the primary ((or)) election, or subsequent recount and correct any error and document the correction of any error that it finds.

**Sec. 18.** RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to read as follows:

As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall ~~((make a))~~ canvass ((of such of the returns as are not required to be canvassed by the legislature and make out a statement thereof, file it in his or her office, and transmit a certified copy to the governor)) and certify the returns of the general election as to candidates for state offices, the United States senate, congress, and all other candidates whose districts extend beyond the limits of a single county. The secretary of state

shall transmit a copy of the certification to the governor, president of the senate, and speaker of the house of representatives.

**Sec. 19.** RCW 29A.64.021 and 2004 c 271 s 178 are each amended to read as follows:

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b)(i) For statewide elections, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one ~~((hundred fifty))~~ thousand votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(ii) For elections not included in (b)(i) of this subsection, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

**NEW SECTION. Sec. 20.** A new section is added to chapter 29A.60 RCW to read as follows:

No later than thirty days after final certification, the county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site, an election reconciliation report that discloses, at a minimum, the following information: The number of ballots counted; the number of voters credited with voting; the number of provisional ballots issued; the number of provisional ballots counted; the number of provisional ballots rejected; the number of absentee ballots issued; the number of absentee ballots counted; the number of absentee ballots rejected; the number of federal write-in ballots counted; the number of ballots sent to overseas voters and the number of such ballots that were counted; and any other information the auditor determines to be necessary to the process of reconciling the number of votes counted with the number of voters credited with voting.

**Sec. 21.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to read as follows:

An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application for a manual recount shall, at the same

time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW ~~((29A.64.080))~~ 29A.64.081.

The county canvassing board shall determine ~~((a))~~ the date, time, and ((a)) place or places at which the recount will be conducted. ((This time shall be less than three business days after the day upon which the application was filed with the board, the request for a recount or directive ordering a recount was received by the board from the secretary of state, or the returns are certified which indicate that a recount is required under RCW 29A.64.020 for an issue or office voted upon only within the county.)) Not less than two days before the date of the recount, the county auditor shall mail a notice of the time and place of the recount to the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office. The county auditor shall also notify the affected parties by either telephone, fax, e-mail, or other electronic means at the time of mailing. At least three attempts must be made over a two-day period to notify the affected parties or until the affected parties have received the notification. Each attempt to notify affected parties must request a return response indicating that the notice has been received. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.

Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.

**Sec. 22.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended to read as follows:

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform date. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

**Sec. 23.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or

(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) ~~((above))~~ of this section when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the ~~((issuance of a certificate of election))~~ official certification of the election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061.

**NEW SECTION. Sec. 24.** A new section is added to chapter 29A.84 RCW to read as follows:

A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed absentee or provisional ballot signature affidavit is guilty of a class C felony punishable under RCW 9A.20.021. This section does not apply to (1) the voter who completed the voter registration form, or (2) a county auditor or registration assistant who acts as authorized by voter registration law.

**Sec. 25.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to read as follows:

(1) Any person who intentionally or knowingly votes or attempts to vote more than once ((at any)) in this state in the same primary or general or special election, or who is registered to vote in another state and who votes or attempts to vote in this state, is guilty of a ((gross misdemeanor)) class C felony, punishable ((to the same extent as a gross misdemeanor that is punishable)) under RCW 9A.20.021.

(2) Any person who recklessly or negligently violates this section has committed a class 1 civil infraction as provided in RCW 7.80.120. The county prosecuting attorney is authorized to enforce this subsection."

Senator Kastama spoke in favor of adoption of the striking amendment.

## MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 1, after line 2 of the amendment, insert the following:

**"NEW SECTION. Sec. 1.** The uniform application of election laws, rules, and procedures is of paramount importance to the citizens of this state. It is the intent of the legislature to make the position of county auditor, and of the chief elections official, however named, in all counties an elective office. This act therefore applies to all counties, including without limitation counties operating under a home rule charter.

**Sec. 2.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to read as follows:

The county auditor, as chief elections officer, of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to

provide places for holding such primaries and elections; to appoint the precinct election officers and to provide for their compensation; to provide the supplies and materials necessary for the conduct of elections to the precinct election officers; and to publish and post notices of calling such primaries and elections in the manner provided by law. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer will be on the ballot. The auditor shall also apportion to each city, town, or district, and to the state of Washington in the odd-numbered year, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

**Sec. 3.** RCW 36.16.030 and 1996 c 108 s 1 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW ((29.04.170)) 29A.20.040. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558."

Renumber the sections following consecutively and correct any internal references accordingly.

On page 22, line 9 of the title amendment, after "RCW" insert "29A.04.216, 36.16.030,"

On page 22, line 15 of the title amendment, after "RCW;" insert "creating a new section;"

Senators Roach, Sheldon and Schmidt spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Pridemore spoke against adoption of the amendment to the striking amendment.

Senator Roach demanded a division.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by

Senator Roach on page 1, after line 2 to Substitute Senate Bill No. 5499.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted on a rising voice vote.

#### MOTION

Senator Morton moved that the following amendment to the striking amendment by Senator Morton be adopted.

On page 1, after line 2 of the amendment, insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that a person's right to privacy with respect to his or her vote for an elective office is of the highest importance, and it is the duty of the legislature to do everything within the constitutional limitations of its power to protect that privacy. It is the intent of the legislature to protect each person's vote by disallowing the practice of altering, defacing, removing, covering, or destroying by any means a vote of a citizen.

**NEW SECTION. Sec. 2.** A new section is added to chapter 29A.04 RCW to read as follows:

"Mark of identification" means any mark, symbol, sign, spot, dot, or speck placed on a ballot that either does not follow the rules of the voting procedure provided for in the voting directions or has the potential to link a ballot to a particular voter. A vote for a candidate on a ballot that fully adheres to the rules of the voting procedure provided for in the voting directions is not a mark of identification.

**NEW SECTION. Sec. 3.** A new section is added to chapter 29A.04 RCW to read as follows:

"Ballot enhancement" is the process of adding, modifying, or covering marks of identification on a ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, beginning on line 31 of the amendment, strike all of section 11 and insert the following:

**"NEW SECTION. Sec. 11.** A new section is added to chapter 29A.60 RCW to read as follows:

(1) Ballots may not be enhanced, as defined in section 3 of this act. If a ballot is rejected by a tabulating machine during the tallying or machine recount process, the ballot must be separated from all other validly tabulated ballots and later considered by the canvassing board. If the voter did not follow the rules of the voting procedure provided for in the voting directions, the canvassing board is prohibited from inferring intent or enhancing or duplicating a ballot and must reject the ballot as invalid. Any mark of identification, as defined in section 2 of this act, on a ballot, invalidate the ballot.

(2) A ballot may not be enhanced or duplicated for any reason."

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding new sections to chapter 29A.04 RCW;" and on line 15 of the title amendment, after "RCW;" insert "creating a new section;"

Senators Morton, Roach and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Haugen spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by

Senator Morton on page 1, after line 2 to Substitute Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Morton and to the striking amendment by Senator Morton and the amendment was to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoessler, Sheldon, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Oke - 1

#### MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 1, after line 2 of the amendment, insert the following:

"**Sec. 1.** RCW 28A.230.090 and 2004 c 19 s 103 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Any course in United States history or government used to fulfill high school graduation requirements must include information on voting in and the process of both the primary and general elections, the absentee and provisional ballot processes, and a discussion of the state voters' pamphlet. The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the

academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit."

Re-number the sections following consecutively and correct internal references accordingly.

On page 22, line 9 of the title amendment, after "RCW" insert "28A.230.090,"

Senators Roach and Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Brown spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Roach on page 1, after line 2 to Substitute Senate Bill No. 5499.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Mulliken moved that the following amendment to the striking amendment by Senator Mulliken be adopted.

On page 1, beginning on line 3 of the amendment, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued to a voter at the

polling place on election day by the precinct election board, for one of the following reasons:

(a) The voter's name does not appear in the poll book for the precinct at which the voter appears and who therefore cannot be verified as a registered voter;

(b) There is an indication in the poll book that ~~((the voter has requested))~~ an absentee ballot ~~((but the voter wishes to vote at the polling place))~~ has been issued;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(d) Other circumstances as determined by the precinct election board;

(e) Any other reason allowed by law;

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary."

Renumber the sections consecutively and correct any internal references accordingly.

On page 8, after line 19 of the amendment, insert the following:

"**Sec. 5.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who offers to vote at an ensuing election before two federal elections have been held must be allowed to vote a regular ballot and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.

(4) The names and addresses of provisional voters is not a matter of public record, and no one other than an election officer may contact an individual provisional voter. The election officer shall contact the voter via first class mail within forty-eight hours of discovery and shall inform the voter of relevant deadlines.

**Sec. 6.** RCW 29A.08.820 and 2003 c 111 s 254 are each amended to read as follows:

When the right of a person has been challenged under RCW 29A.08.810 or 29A.08.830(2), the challenged person shall be permitted to vote a provisional ballot, which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under RCW 29A.08.810 or 29A.08.830(2) shall be furnished a provisional paper ballot, which shall be placed in a sealed envelope after being marked. Included with the ~~((challenged))~~ provisional ballot shall be (1) an affidavit filed under RCW 29A.08.830 challenging the person's right to vote or (2) an affidavit signed by the precinct election officer and any third party involved in the officer's challenge and stating the reasons the voter is being challenged. The sealed provisional ballots ~~((of challenged voters))~~ shall be transmitted at the close of the election to the canvassing board or other authority charged by

law with canvassing the returns of the particular primary or election. The county auditor shall notify the challenger and the challenged voter, by certified mail, of the time and place at which the county canvassing board will meet to rule on ~~((challenged))~~ provisional ballots. If the challenge is made by a precinct election officer under RCW 29A.08.810, the officer must appear in person before the board unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenging officer has based his or her challenge upon evidence provided by a third party, that third party must appear with the challenging officer before the canvassing board, unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenge is filed under RCW 29A.08.830, the challenger must either appear in person before the board or submit an affidavit supporting the challenge. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the ~~((challenged))~~ provisional ballot shall be accepted as valid and counted. The canvassing board shall give the challenged voter the opportunity to present testimony, either in person or by affidavit, and evidence to the canvassing board before making their determination. All ~~((challenged))~~ provisional ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29A.40.140.

**Sec. 7.** RCW 29A.08.830 and 2003 c 111 s 255 are each amended to read as follows:

(1) Any registered voter may request that the registration of another voter be canceled if he or she believes that the voter does not meet the requirements of Article VI, section 1 of the state Constitution or that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger shall file with the county auditor a signed affidavit subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside at the address as given on his or her registration record or is otherwise not a qualified voter and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington. The person filing the challenge must furnish the address at which the challenged voter actually resides.

(2) Any such challenge of a voter's registration and right to vote made less than thirty days before a primary or election, special or general, shall be administered under RCW 29A.08.820. The county auditor shall notify the challenged voter and the precinct election officers in the voter's precinct that a challenge has been filed, provide the name of the challenger, and instruct both the precinct election officers and the voter that, in the event the challenged voter desires to vote at the ensuing primary or election, a ~~((challenged))~~ provisional ballot will be provided. The voter shall also be informed that the status of his or her registration and the disposition of any ~~((challenged))~~ provisional ballot will be determined by the county canvassing board in the manner provided by RCW 29A.08.820. If the challenged voter does not vote at the ensuing primary or election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the primary or election under RCW 29A.08.840."

Renumber the sections following consecutively and correct internal references accordingly.

On page 11, beginning on line 20 of the amendment, strike all of section 8, and insert the following:

**NEW SECTION. Sec. 8.** (1) Provisional or questionable ballots must not be tallied until the validity of the ballot or the voter has been confirmed and, if so, the ballots will be processed in similar manner to absentee ballots. A provisional ballot is issued to a person seeking to vote in a polling place under the following circumstances:

(a) The name of the voter does not appear in the poll book and:

(i) The voter's registration was canceled but the voter questions the validity of the cancellation;

(ii) The status of the voter's registration cannot be determined at that time; or

(iii) The voter is registered and assigned to another polling place or jurisdiction;

(b) The voter's name is in the poll book but there is an indication that the voter was issued an absentee ballot, and the voter wishes to vote at the polls; or

(c) Other circumstances as determined by the precinct election official.

(2) The precinct election official shall issue a provisional ballot outer envelope and a security envelope to the voter eligible for a provisional ballot. The voter shall vote the ballot in secrecy and, when done, place the ballot in the security envelope, then place the security envelope with the ballot in it in the provisional ballot outer envelope and return it to the precinct election official. The precinct election official shall ensure that the required information is completed on the outside of the outer envelope and have the voter sign it in the appropriate space, and place it in a secure container designated for provisional ballots only.

(3) When the provisional ballot, including provisional ballots from other counties or states, are received in the elections center, the circumstances surrounding the provisional ballot must be investigated before certification of the primary or election. A provisional ballot cannot be tallied if the registered voter did not sign either the poll book or the provisional ballot envelope.

(4) When it is determined that the ballot is to be counted, the ballot must be processed in a manner similar to an absentee ballot except the provisional ballot outer envelopes must be retained separately from the absentee ballot return envelopes. The manual inspection of the ballots as required in WAC 434-261-070 or its successor must also be carried out.

**NEW SECTION. Sec. 9.** At a minimum, the following information will be required to be printed on the outer provisional ballot envelope:

(1) An oath for the voter to sign, as required by the Help America Vote Act, which must be included in substantially the following form:

"I affirm that I am a registered voter in the jurisdiction in which I am appearing and in which I wish to vote; and that I am eligible to vote in this election.";

(2) Name and signature of voter (must be the same as on the oath);

(3) Voter's registered address both present and former, if applicable;

(4) Voter's date of birth;

(5) Reason for the provisional ballot;

(6) Precinct and polling place at which voter has voted;

(7) Sufficient space to list disposition of the ballot after review by the county auditor.

No provisional ballot may be rejected for lack of the information described in this section as long as the voter provides a valid signature and sufficient information to determine eligibility.

**NEW SECTION. Sec. 10.** (1) Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the auditor must investigate the circumstances surrounding the

provisional ballot before certification of the primary or election. A provisional ballot cannot be counted if the registered voter did not sign both the poll book and the provisional ballot envelope.

(a) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register, but the provisional ballot for the current election will not be counted.

(b) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration will be immediately restored and the provisional ballot counted.

(c) If the auditor determines that the cancellation was not in error, the voter must be given the opportunity to reregister at the voter's correct address, but the provisional ballot for the current election will not be counted.

(2) If the voter is a registered voter but has voted a ballot other than the one that the voter would have received at his or her designated polling place, the auditor must ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted, which may require coordination with other county auditors.

(3) If the voter is a registered voter in another county or state, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted including rotation if applicable, within five business days after election day to the supervisor of elections for the county for which the voter resides. If the provisional ballot envelope is not signed by the voter, a copy of the poll book page must be included. If the county is not known, it must be forwarded to the secretary of state, or counterpart, for the state in which the voter resides.

(4) If the auditor finds that an absentee voter who voted a provisional ballot at the polls has also voted an absentee ballot in that primary or election, the provisional ballot will not be counted.

(5) The auditor shall prepare a tally displaying the number of provisional ballots received, the number found valid and counted, the number rejected and not counted, and the reason for not counting the ballots, as part of the canvassing process and presented to the canvassing board before the certification of the primary or election.

**NEW SECTION. Sec. 11.** When the disposition of the provisional ballot determines that the provisional ballot is to be counted, the provisional ballot must be processed in a manner similar to an absentee ballot as provided in chapters 29A.40 and 29A.60 RCW except the outer provisional ballot envelopes must be retained separately from the absentee ballot return envelopes. The manual inspection of the ballots as required in WAC 434-261-070 or its successor must also be carried out.

**NEW SECTION. Sec. 12.** The secretary of state shall establish a free access system, such as a toll-free telephone number or an internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason why the vote was not counted. The secretary of state shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under this section. Access to information about an individual provisional ballot must be restricted to the individual who cast the ballot.

**Sec. 13.** RCW 29A.40.050 and 2003 c 111 s 1005 are each amended to read as follows:

(1) As provided in this section, county auditors shall provide special ((~~absentee~~)) provisional ballots to be used for state primary or state general elections. An auditor shall provide a special ((~~absentee~~)) provisional ballot only to a registered voter who completes an application stating that she or he will be unable to

vote and return ~~((a regular))~~ an absentee ballot by normal mail delivery within the period provided for ~~((regular))~~ absentee ballots.

The application for a special ~~((absentee))~~ provisional ballot may not be filed earlier than ninety days before the applicable state primary or general election. The special ~~((absentee))~~ provisional ballot will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special ~~((absentee))~~ provisional ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) With any special ~~((absentee))~~ provisional ballot issued under this section, the county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special ~~((absentee))~~ provisional ballots must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special ~~((absentee))~~ provisional ballots provided under this section in the same manner as ~~((other))~~ absentee ballots under this chapter and chapter 29A.60 RCW.

(4) A voter who requests a special ~~((absentee))~~ provisional ballot under this section may also request an absentee ballot under RCW 29A.40.020(4). If the ~~((regular))~~ absentee ballot is properly voted and returned, the special ~~((absentee))~~ provisional ballot is void, and the county auditor shall reject it in whole when special ~~((absentee))~~ provisional ballots are canvassed.

**NEW SECTION. Sec. 14.** In addition to the material required by RCW 29A.40.091, each county auditor shall include with any special provisional ballot mailed the following information:

- (1) Instructions for voting the ballot;
- (2) Instructions for correcting a spoiled ballot;
- (3) The fact that political party designation should be included with all write-ins for partisan office;
- (4) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office;
- (5) A copy of any applicable voters' guide available at that time;
- (6) The fact that the voter may vote for as many or as few offices or measures as he or she desires;
- (7) The fact that the voter is entitled to request, and subsequently vote a regular absentee ballot, and that if the regular absentee is received during the time period provided by law for the canvassing of absentee ballots it will be tabulated and the special provisional ballot will be voided.

**NEW SECTION. Sec. 15.** No special provisional ballot may be provided earlier than ninety days before a primary or election. An application received by a county auditor more than ninety days before a primary or general election may be either returned to the applicant with the explanation that the request is premature or may be held by the auditor until the appropriate time and then processed.

**Sec. 16.** RCW 29A.40.140 and 2003 c 111 s 1014 are each amended to read as follows:

The qualifications of any absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the canvassing board. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with ~~((chapter 29A.08 RCW))~~ RCW 29A.08.820, 29A.08.830, sections 8 through 12 of this act, and 29A.40.050.

**Sec. 17.** RCW 29A.44.330 and 2003 c 111 s 1131 are each

amended to read as follows:

The programmed memory pack for each poll-site ballot counting device must be sealed into the device during final preparation and logic and accuracy testing. Except in the case of a device breakdown, the memory pack must remain sealed in the device until after the polls have closed and all reports and telephonic or electronic transfer of results are completed. After all reporting is complete the precinct election officers responsible for transferring the sealed voted ballots under RCW 29A.60.110 shall ensure that the memory pack is returned to the elections department. If the entire poll-site ballot counting device is returned, the memory pack must remain sealed in the device. If the poll-site ballot counting device is to remain at the polling place, the precinct election officer shall break the seal on the device and remove the memory pack and seal and return it along with the irregularly voted ballots and ~~((special))~~ provisional ballots to the elections department on election day.

**Sec. 18.** RCW 29A.44.340 and 2003 c 111 s 1132 are each amended to read as follows:

Each poll-site ballot counting device must be programmed to return all blank ballots and overvoted ballots to the voter for private reexamination. The election officer shall take whatever steps are necessary to ensure that the secrecy of the ballot is maintained. The precinct election officer shall provide information and instruction on how to properly mark the ballot. The voter may remark the original ballot, may request a new ballot under RCW 29A.44.040, or may choose to complete a ~~((special))~~ provisional ballot envelope and return the ballot as a ~~((special))~~ provisional ballot."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, after line 4 of the amendment, insert the following:

**"NEW SECTION. Sec. 26.** (1) Sections 8 through 12, 14, and 15 of this act constitute a new chapter in Title 29A RCW, to be captioned "Provisional ballots."

(2) RCW 29A.40.050, as amended by section 13 of this act, is recodified as a section in the new chapter created in subsection (1) of this section."

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.625, 29A.08.820, 29A.08.830," and after "29A.40.110," insert "29A.40.050, 29A.40.140, 29A.44.330, 29A.44.340,"

On page 22, line 13 of the title amendment, strike "new sections to chapter 29A.44" and insert "a new section to chapter 29A.44"

On page 22, line 15 of the title amendment, after "RCW;" insert "adding a new chapter to Title 29A RCW; recodifying RCW 29A.40.050;"

Senators Mulliken and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Mulliken on page 1, line 3 to Substitute Senate Bill No. 5499.

The motion by Senator Mulliken failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator McCaslin moved that the following amendment to the striking amendment by Senator McCaslin be adopted.

On page 8, after line 19 of the amendment, insert the

following:

**Sec. 5.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing the records of all registered voters within the county. The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW. The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county to make corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.

(3) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates. If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.

**Sec. 6.** RCW 29A.08.125 and 2004 c 267 s 110 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county.

(2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county to make corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.

(3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates.

**Sec. 7.** RCW 29A.08.605 and 2003 c 111 s 236 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the county auditor shall establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. The county may fulfill its obligations under this section in one of the following ways:

(1) The county auditor may enter into one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor receives change of address information from the United States postal service that indicates that a voter has changed his or her residence address within the county, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address. If the auditor receives postal change of address information

indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status;

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter within the county bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

**Sec. 8.** RCW 29A.08.605 and 2004 c 267 s 128 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the secretary of state and the county auditor shall cooperatively establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. This obligation may be fulfilled in one of the following ways:

(1) The secretary of state may enter into one or more contracts with the United States postal service, or its licensee, which permit the use of postal service change-of-address information. If the change of address information is received from the United States postal service that indicates that a voter has changed his or her residence address within the state, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address;

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

**Sec. 9.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, and the department of health.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local

election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections data base to aid in the cancellation of voter registration of felons;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide current and accurate voter registration information using information obtained under RCW 29A.08.125;

(g) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

~~((g))~~ (h) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

~~((h))~~ (i) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, after line 4 of the amendment, insert the following:

"NEW SECTION. Sec. 26. Sections 5 and 7 of this act expire January 1, 2006.

NEW SECTION. Sec. 27. Sections 6, 8, and 9 of this act take effect January 1, 2006."

Senators McCaslin and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator McCaslin on page 8, after line 19 to Substitute Senate Bill No. 5499.

The motion by Senator McCaslin carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Carrell moved that the following amendment to the striking amendment by Senators Carrell and Roach be adopted.

On page 8, after line 19 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 29A.08 RCW to read as follows:

(1) Short title. This section may be cited as the "Washington Taxpayer and Citizen Protection Act."

(2) Findings and declaration. The legislature finds that illegal immigration is causing economic hardship to this state and that illegal immigration is encouraged by public agencies within this state that provide public benefits without verifying immigration status. The legislature further finds that illegal immigrants have been given a safe haven in this state with the aid of identification cards that are issued without verifying immigration status, and that this conduct contradicts federal immigration policy,

undermines the security of our borders, and demeans the value of citizenship. Therefore, the legislature finds that the public interest of this state requires that all public agencies within this state cooperate with federal immigration authorities to discourage illegal immigration.

(3) Form of registration. In addition to the requirements of RCW 29A.08.010, the form of registration provided by the secretary of state or county auditor must include a statement that the applicant must submit evidence of United States citizenship with the application and that the county auditor or secretary of state shall reject the application if no evidence of citizenship is attached.

(4) The county auditor or secretary of state shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship includes any of the following:

(a) The number of the applicant's Washington state driver's license or Washington state identification card issued by the department of licensing, but only if the department indicates on the applicant's driver's license or identification card that the applicant has provided satisfactory proof of United States citizenship;

(b) A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county auditor or secretary of state;

(c) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county auditor or the secretary of state of the applicant's United States passport;

(d) A presentation to the county auditor or secretary of state of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant must not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States Immigration and Naturalization Service by the county auditor or secretary of state;

(e) Other documents or methods of proof that are established under the federal Immigration Reform and Control Act of 1986; or

(f) The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

(5) Notwithstanding subsection (4) of this section, any person who is registered in this state on the effective date of this section is deemed to have provided satisfactory evidence of citizenship and may not be required to resubmit evidence of citizenship unless the person is changing voter registration from one county to another or reregistering to vote.

(6) Proof of voter registration from another state or county is not satisfactory evidence of citizenship.

(7) After a person has submitted satisfactory evidence of citizenship, the county auditor or secretary of state shall indicate this information in the person's permanent voter file. After two years, the county auditor or secretary of state may destroy all documents that were submitted as evidence of citizenship."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding a new section to chapter 29A.08 RCW;"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell the amendment to the striking amendment to Substitute Senate Bill No. 5499 was withdrawn.

#### MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

Beginning on page 8, line 20 of the amendment, strike all of section 5 and insert the following:

"**Sec. 5.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and return address. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed."

Senators Roach and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Roach on page 8, line 20 to Substitute Senate Bill No. 5499.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Stevens moved that the following amendment to the striking amendment by Senator Stevens be adopted.

On page 8, after line 19 of the amendment, insert the

following:

"**Sec. 5.** RCW 29A.36.111 and 2004 c 271 s 128 are each amended to read as follows:

Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes and abstentions. Each position, together with the names of the candidates for that office and an opportunity for the voter to indicate abstention from voting on that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot."

Renumber the sections consecutively and correct any internal references accordingly.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.36.111,"

Senators Stevens and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Stevens on page 8, after line 19 to Substitute Senate Bill No. 5499.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

#### MOTION

Senator Benton moved that the following amendment to the striking amendment by Senator Benton be adopted.

On page 8, after line 19 of the amendment, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 29A.08 RCW to read as follows:

Each county auditor shall compile and maintain a list of all private mailbox services in his or her county and cross-check the list of registered voters' addresses against the private mailbox addresses. If a registered voter is found to have listed a private mailbox as his or her address, the auditor shall cancel that voter's registration and notify the voter of the cancellation."

Renumber the sections consecutively and correct any internal references accordingly.

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding a new section to chapter 29A.08 RCW;"

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

#### POINT OF INQUIRY

Senator Franklin: "Would Senator Benton yield to a question? Senator, how does this affect those who are having their

mail come to the Secretary of State. They have a special address because of domestic violence.”

Senator Benton: “Right, and that’s a special law that we created and they are protected under that law now and this would not affect them and we have intention of affecting them with this amendment. If in fact the legal minds tell us that it does we will draft a correction to it but I’m told that this would have no affect because the underline law that authorizes that private address through the Secretary of State’s office, since the Secretary of State is our chief elections officer in the state that it wouldn’t affect that, Senator Franklin.”

Senator Kastama demanded a division.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Benton on page 8, after line 19 to Substitute Senate Bill No. 5499.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted on a rising voice vote.

#### MOTION

Senator Schoesler moved that the following amendment to the striking amendment by Senators Schoesler and Roach be adopted.

On page 8, after line 19 of the amendment, insert the following:

**"Sec. 5.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who offers to vote at an ensuing election before two federal elections have been held must be allowed to vote a regular ballot and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.

(4) The names and addresses of provisional voters is not a matter of public record, and no one other than an election officer may contact an individual provisional voter."

Renumber the sections following consecutively and correct internal references accordingly.

On page 10, after line 19 of the amendment, insert the following:

**"Sec. 7.** RCW 29A.40.130 and 2003 c 111 s 1013 are each amended to read as follows:

Each county auditor shall maintain in his or her office, open for public inspection, a record of the requests he or she has received for absentee ballots under this chapter.

The information from the requests shall be recorded and lists of this information shall be available no later than twenty-four hours after their receipt.

This information about absentee voters shall be available according to the date of the requests and by legislative district. It

shall include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable.

The auditor shall make copies of these records available to the public for the actual cost of production or copying. However, these records may not be used by anyone other than an election officer to contact an individual absentee voter."

Renumber the sections consecutively and correct any internal references accordingly.

On page 12, after line 15 of the amendment, insert the following:

**"NEW SECTION. Sec. 10.** A new section is added to chapter 29A.60 RCW to read as follows:

If the county auditor receives an absentee or mail ballot in a return identification envelope on which the voter's signature is missing, illegible, or does not match the registration file, only the county auditor or other election officer may contact the voter regarding the signature. The names of voters in these cases is not a matter of public record."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.625," and after "29A.40.110," insert "29A.40.130,"

Senators Schoesler and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senators Schoesler and Roach on page 8, after line 19 to Substitute Senate Bill No. 5499.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Benton moved that the following amendment to the striking amendment by Senator Benton be adopted.

On page 8, after line 19 of the amendment, insert the following:

**"Sec. 5.** RCW 29A.08.830 and 2003 c 111 s 255 are each amended to read as follows:

(1) Any registered voter may request that the registration of another voter be canceled if he or she believes that the voter does not meet the requirements of Article VI, section 1 of the state Constitution or that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger shall file with the county auditor a signed affidavit subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside at the address as given on his or her registration record or is otherwise not a qualified voter and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington. ~~((The person filing the challenge must furnish the address at which the challenged voter actually resides.))~~

(2) Any such challenge of a voter's registration and right to vote made less than thirty days before a primary or election, special or general, shall be administered under RCW 29A.08.820. The county auditor shall notify the challenged voter and the precinct election officers in the voter's precinct that a challenge has been filed, provide the name of the challenger, and instruct

both the precinct election officers and the voter that, in the event the challenged voter desires to vote at the ensuing primary or election, a challenged ballot will be provided. The voter shall also be informed that the status of his or her registration and the disposition of any challenged ballot will be determined by the county canvassing board in the manner provided by RCW 29A.08.820. If the challenged voter does not vote at the ensuing primary or election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the primary or election under RCW 29A.08.840."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.830,"

Senators Benton and Johnson spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Benton on page 8, after line 19 to Substitute Senate Bill No. 5499.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Mulliken moved that the following amendment to the striking amendment by Senator Mulliken be adopted.

On page 8, after line 19, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 29A.36 RCW to read as follows:

All provisional ballots and related materials, including the inner security envelope and the outer return envelope, must either:

(1) Be printed on colored paper distinctive from regular ballots, absentee ballots, and their related materials; or

(2) Be imprinted with a bar code for the purpose of identifying the ballot as a provisional ballot. The bar code must not identify the voter.

Poll-site counting devices shall be incapable of tabulating provisional ballots."

Renumber the sections consecutively and correct any internal references accordingly.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Mulliken the amendment to the striking amendment to Substitute Senate Bill No. 5499 was withdrawn.

#### MOTION

Senator Benton moved that the following amendment to the striking amendment by Senator Benton be adopted.

On page 8, after line 19 of the amendment, insert the following:

"**Sec. 5.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for

storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, and the department of health.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data. The secretary of state shall, on a monthly basis, cross-check the data base against other agency data bases that could reveal names of persons whose voter registration should be canceled.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections and other appropriate state agency data bases on a monthly basis to aid in the cancellation of voter registration of felons;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide for a monthly comparison between the voter registration data base and the department of licensing change of address data base;

(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

(12) In addition to any legal obligations of local election officers, the secretary of state in conjunction with the department of health shall arrange for a monthly comparison of any lists of known deaths maintained by the department of health with the statewide voter registration list. If a person is found on the department of health death list and the statewide voter registration list, the secretary of state or county auditor shall immediately cancel the voter registration from the official state voter registration list.

(13) In addition to any legal obligations of local election officers, the secretary of state in conjunction with the department of health, the department of social and health services, and the administrator for the courts shall arrange for a monthly comparison of any lists of persons known to have been declared mentally incompetent and unable to vote or placed under the care of a full guardianship due to their mental capacity. If a person is found on the department of health, the department of social and health services, or the administrator for the courts lists and the statewide voter registration list, the secretary of state or county

auditor shall immediately cancel the voter registration from the official state voter registration list.

The administrator for the courts shall collect and maintain a list of all judicial determinations of full guardianship under RCW 11.88.010 and other cases where the court has ordered someone unable to vote.

(14) In addition to any legal obligations of local election officers, the secretary of state in conjunction with local election officers shall make at a minimum a monthly comparison of names on the statewide voter registration list, and if a person is found registered more than once on the statewide voter registration list, the secretary of state or county auditor shall immediately cancel all voter registrations for that voter in excess of one from the official state voter registration list."

Renumber the sections consecutively and correct any internal references accordingly.

On page 22, on line 10 of the title amendment, after "29A.04.611," insert "29A.08.651,"

Senators Benton and Roach spoke in favor of adoption of the amendment to the striking amendment.

#### POINT OF ORDER

Senator Rockefeller: "Mr. President, it occurs to me that the speaker perhaps inadvertently is impugning the motives of the majority party and I would ask that you take that into consideration."

#### POINT OF ORDER

Senator Eide: "I believe that he's not speaking to the amendment and is theorizing what should have been or could have been. Needs to speak on the amendment please."

Senators Haugen and Kastama spoke against adoption of the amendment to the striking amendment.

#### POINT OF ORDER

Senator Esser: "I believe the comment, I think your trying to create an elitist list is impugning the motives on this side of the aisle Mr. President."

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Benton on page 8, after line 19 to Substitute Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment to the striking amendment by Senator Benton was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

#### MOTION

Senator Schoesler moved that the following amendment to the striking amendment by Senator Schoesler be adopted.

On page 8, after line 19 of the amendment, insert the following:

"**Sec. 5.** RCW 29A.24.050 and 2003 c 111 s 605 are each amended to read as follows:

Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed during regular business hours with the filing officer no earlier than the fourth Monday in ~~(July)~~ June and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

This section supersedes all other statutes that provide for a different filing period for these offices."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Schoesler and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Schoesler on page 8, after line 19 to Substitute Senate Bill No. 5499.

The motion by Senator Schoesler carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Carrell moved that the following amendment to the striking amendment by Senator Carrell and others be adopted.

On page 8 after line 19 of the amendment, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) Form of registration. In addition to the requirements of RCW 29A.08.010, the form of registration provided by the secretary of state or county auditor must include a statement that the applicant must submit evidence of United States citizenship with the application and that the county auditor or secretary of state shall reject the application if no evidence of citizenship is attached.

(2) The county auditor or secretary of state shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship includes any of the following:

(a) The number of the applicant's Washington state driver's license or Washington state identification card issued by the department of licensing, but only if the department indicates on the applicant's driver's license or identification card that the applicant has provided satisfactory proof of United States citizenship;

(b) A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county auditor or secretary of state;

(c) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county auditor or the

secretary of state of the applicant's United States passport;

(d) A presentation to the county auditor or secretary of state of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant must not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States Immigration and Naturalization Service by the county auditor or secretary of state;

(e) Other documents or methods of proof that are established under the federal Immigration Reform and Control Act of 1986; or

(f) The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

(3) Notwithstanding subsection (4) of this section, any person who is registered in this state on the effective date of this section is deemed to have provided satisfactory evidence of citizenship and may not be required to resubmit evidence of citizenship unless the person is changing voter registration from one county to another or reregistering to vote.

(4) Proof of voter registration from another state or county is not satisfactory evidence of citizenship.

(5) After a person has submitted satisfactory evidence of citizenship, the county auditor or secretary of state shall indicate this information in the person's permanent voter file. After two years, the county auditor or secretary of state may destroy all documents that were submitted as evidence of citizenship."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding a new section to chapter 29A.08 RCW;"

Senators Carrell, Stevens and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Kastama spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Carrell and others on page 8, after line 19 to Substitute Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment to the striking amendment by Senator Carrell was adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

#### MOTION

Senator Mulliken moved that the following amendment to the striking amendment by Senator Mulliken be adopted.

On page 8, after line 19, insert the following:

"NEW SECTION. Sec. 5 A new section is added to chapter

29A.36 RCW to read as follows:

All provisional ballots must be visually distinguishable from the other ballots and must be either:

(1) Printed on colored paper; or

(2) Imprinted with a bar code for the purpose of identifying the ballot as a provisional ballot. The bar code must not identify the voter.

Provisional ballots must be incapable of being tabulated by poll-site counting devices."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Mulliken and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Mulliken on page 8, after line 19 to Substitute Senate Bill No. 5499.

The motion by Senator Mulliken carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 9, beginning on line 26 of the amendment, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 29A.40 RCW to read as follows:

(1) The county auditor shall accept and count absentee ballots for persons serving in the United States armed forces stationed outside the United States in accordance with this section and RCW 29A.40.110. For a member of the armed forces stationed outside the United States who receives an absentee ballot on or after the date of the election, in order to have his or her ballot counted, he or she must attach an affidavit signed by the person and his or her commanding officer, stating the date on which the ballot was received.

(2) All absentee ballots received from persons under subsection (1) of this section at any time whether before or after certification of the election, until any and all recounts have concluded and been certified, shall be counted.

Sec. 7. RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin ~~((on or after the tenth day before the primary or election))~~ upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the

validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters stationed in the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For service voters stationed outside the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot unless there is an affidavit included with the ballot in accordance with section 6 of this act, in which case section 6 of this act determines validity with regard to the time of voting. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Roach and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Roach on page 9, line 26 to Substitute Senate Bill No. 5499.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 12, after line 3 of the amendment, strike all of section 9, and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at any primary or election is required to provide a valid driver's license, state identification card, United States passport, tribal identification card, or United States military identification card to the election officer before signing the poll book. Any person who desires to vote in person but cannot provide identification as required in this section must be issued a provisional ballot."

Renumber the sections consecutively and correct any internal references accordingly.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Roach the amendment to the striking amendment to Substitute Senate Bill No. 5499 was withdrawn.

#### MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 12, after line 3 of the amendment, strike all of section 9 and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at any primary or election is required to show both a picture and signature identification to be compared with the signature on the poll register. Valid forms of photo identification include a valid driver's license, state identification card, United States passport, tribal identification card, or United States military identification card. Any person who desires to vote in person but cannot provide identification as required in this section must be issued a provisional ballot."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Roach and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama, Haugen, Franklin and Shin spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Delvin, Schmidt, Benton, Finkbeiner spoke in favor of adoption of the amendment to the striking amendment.

Senators Brown spoke against adoption of the amendment to the striking amendment.

#### MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Roach on page 12, after line 3 to Substitute Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment to the striking amendment by Senator Roach was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkeley, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "The three minute rule we adopted tonight, is it mandatory that you speak for three minutes, or it that the limit that you can speak."

#### REPLY BY THE PRESIDENT

President Owen: "It is the outside limit, but it is not anywhere in the rule is it encouraged."

#### PARLIAMENTARY INQUIRY

Senator McCaslin Some people misunderstood it Mr. President. I just wanted to point that out to the body. You don't have to speak three minutes."

#### REPLY BY THE PRESIDENT

President Owen: "Point well taken".

## MOTION

Senator Benton moved that the following amendment to the striking amendment by Senator Benton be adopted.

On page 16, after line 2 of the amendment, insert the following:

**"NEW SECTION. Sec. 16.** A new section is added to chapter 29A.60 RCW to read as follows:

Before a county auditor may make a final certification of election returns, the county auditor shall reconcile by precinct the number of ballots counted from the precinct and the number of voters credited with having cast a counted ballot. The number of ballots counted and the number of voters who cast those ballots will always be equal in a properly administered election. The county auditor shall report by precinct any variance between the number of ballots and the number of voters. If the total number of ballots without voters, or voters without ballots, exceeds the winning margin in an election or primary, the election or primary as to that position is void. No certificate of election may be issued. A revote for that position must be held within sixty days."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Benton and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Weinstein spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Benton on page 16, after line 2 to Substitute Senate Bill No. 5499.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment to the striking by Senator Benton was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

## MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 22, after line 4 of the amendment, insert the following:

**"Sec. 26.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall ~~(state)~~ ask and confirm the following:

~~("I would like to remind you that you must be a United States citizen and at least eighteen years of age in order to vote.")~~

(a) "Are you a United States citizen?"

(b) "Are you at least eighteen years of age?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form and instructions.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce."

Senators Roach and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Roach on page 22, after line 4 to Substitute Senate Bill No. 5499.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Substitute Senate Bill No. 5499.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendments was adopted:

On page 1, on line 1 of the title, after "reform", strike the remainder of the title and insert "amending RCW 29A.04.008, 29A.04.530, 29A.04.570, 29A.04.611, 29A.40.091, 29A.40.110, 29A.60.021, 29A.60.050, 29A.60.070, 29A.60.180, 29A.60.190, 29A.60.210, 29A.60.250, 29A.64.021, 29A.64.030, 29A.64.061, 29A.68.011, and 29A.84.650; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; and prescribing penalties.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.125, 29A.08.125, 29A.08.605, 29A.08.605, 29A.08.651,"

On page 22, line 15 of the title amendment, strike "and" and after "penalties" insert "; providing effective dates; and providing expiration dates"

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.24.050,"

On page 22, line 12 of the title amendment, after "29A.84.650;" strike "adding a new section" and insert "adding new sections"

On page 22, line 12 of the title amendment, after "29A.68.011," strike "and 29A.84.650" and insert "29A.84.650, and 46.20.155"

## MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Brown and Shin spoke in favor of passage of the bill.

Senators Zarelli, Schmidt, Pflug and Carrell spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Excused: Senators Deccio and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Engrossed Substitute Senate Bill No. 5499 was immediately transmitted to the House of Representatives.

MOTION

At 11:54 p.m., on motion of Senator Eide, the Senate adjourned until 8:00 a.m. Saturday, March 12, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate